IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Contempt Petition No. 65 of 2005

Sri Harendra Mohan Badola
S/o Sri Girja Dutt Badola
Retired Administrative Officer,
Zila Panchayat, Dehradun

……. Applicant

Versus

Sri Chandra Mohan Barthwal
Upper Mukhya Adhikari,
Zila Panchayat, Dehradun.

…….. Opposite Party

Mr. Amit Kumar Mishra, learned counsel for the applicant.
Mr. Narayan Datt, learned counsel for the opposite party.

Hon'ble P.C. Pant, J.

This contempt petition is moved complaining disobedience of this Court's order dated January 21, 2004, passed in writ petition No. 1889 (S/S) of 2001. The operative portion of the impugned order reads as under:

> *"Accordingly, writ petition No. 267 (S/B) of 2002 is allowed with costs. A writ of mandamus is issued directing the respondents to release the entire pensionary benefits and other retrial benefits immediately to the petitioner.*
>
> *The petitioner will also be entitled for the payment of the cheque amount of Rs. 41,451/- in respect of the emoluments, which were due to the petitioner. The entire amount will be released in*

favour of the petitioner with 18% interest per annum thereon, within a period of three weeks from the date of filing of the certified copy of this order."

Sd/-

(Rajesh Tandon, J.)

In para 5 of the counter affidavit, the respondent, asserting that he had complied with aforesaid order of the Court in letter and spirit, has stated as under:

"It is however respectfully submitted that the order dated 21.01.2004 passed by Hon'ble Court has been fully complied with letter and spirit and direction given through this order has been fully obeyed. Vide its order, Chairman of Zila Panchayat already paid all retrial benefits to the petitioner nothing is left in level of the opposite party. ……In Compliance of this Hon'ble Courts order dated 21.01.2004, Zila Panchayat already paid Rs. 3,90,138/- to the petitioner. The copy of the receipt are being collectively already annexed as Annexure No. 2 page 77 to the present contempt petition. The order passed by the Chairman, Zila Panchayat is quoted below:

1- **Jh gjsUnz eksgj cMksyk lsokfuo`Rr izz0v0 dh ns; cdk;k osru dh /kujkf'k vadu :0 41]451 ¼bDdrkfyl gtkj pkj lkS bDD;kou :i;s ek=½ dk Hkqxrku fd;k tk pqdk gSA ftlds fcy Hkqxrku dh Nk;kizfr layXu gSA

2- xzsP;qVh dk Hkqxrku vadu :0 1]31]588 ¼,d yk[k bDdrhl gtkj ikap lkS vB~Bklh :i;s ek=½ ds Hkqxrku dh fcy dh Nk;kizfr layXu gSA

3- ias’ku fuf/k dk vadu :0 81]170 ¼bDdhl gtkj ,d lkS lRrj :i;s ek=½ dk Hkqxrku fd;k tk pqdk gSA fcy Hkqxrku dh Nk;kizfr layXu gSA

4- 25 izfr’kr iwoZ isa’ku ds varj dk vadu :0 28]119 ¼ vB~Bkbl gtkj ,d lkS mUuhl :i;s ek=½ dk Hkqxrku fd;k tk pqdk gSA fcy Hkqxrku dh Nk;kizfr layXu gSA

5- vodk’k udnhdj.k dk vadu :0 14]355 ¼pkSng gtkj rhu lkS IkPpiu :i;s ek=½ dk Hkqxrku fd;k tk pqdk gSA fcy Hkqxrku dh Nk;kizfr layXu gSA

6- ekuuh; U;k;ky; ds funsZ’kkuqlkj ns; C;kt dh /kujkf’k vadu :0 93]455 ¼frjkuCcs gtkj pkj lkS iPpiu :i;s ek=½ dk Hkqxrku fd;k tk pqdk gSA fcy Hkqxrku dh Nk;kizfr layXu gSA

In view of the aforementioned averments, there appears no wilful disobedience of the Court’s order on the part of the opposite party. Accordingly, the contempt petition is dismissed and notices issued to the opposite party are discharged.

(Prafulla C. Pant, J.)

Dt.: 29th September, 2005
H.Negi